

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DISTRICT

KATRINA MACKLEY, as next of friend  
for E.M., a minor,

Plaintiff,

-vs-

Case No. 1:24-cv-00076  
Honorable Robert J. Jonker

MASON PUBLIC SCHOOL DISTRICT;  
LANCE DELBRIDGE; NICHOLAS TOODZIO;  
BARB BYRUM and BRAD DELANEY, individually,

Defendants.

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Brandon T. Wolfe (P82421)  
**WOLFE TRIAL LAWYERS, PLLC**  
2844 Livernois Rd., Suite 276  
Troy, Michigan 48099  
Ph: (313) 450-2015  
Email: [brandon@hirethewolfe.com](mailto:brandon@hirethewolfe.com)

Uriel B. Abt (P84350)  
LAW OFFICE OF URI ABT PLLC  
Attorneys for Defendants Barb Byrum  
and Brad Delaney  
517 Wildwood Drive  
East Lansing, MI 48823  
(517) 858-9410  
Email: [uri@abtlawfirm.com](mailto:uri@abtlawfirm.com)

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Mark T. Ostrowski (P49761)  
Jessica M. Stark-Flechsigg (P80647)  
Kyle J. Zielinski (P83962)  
KLUCZYNSKI GIRTZ & VOGELZANG  
Attorneys for Defendant Mason PS District,  
Lance Delbridge, and Nicholas Toodzio  
Grand Rapids, MI 49546  
(616) 559-8649  
Email: [marko@kgvlaw.com](mailto:marko@kgvlaw.com)  
Email: [jesstark@kgvlaw.com](mailto:jesstark@kgvlaw.com)  
Email: [kzielinski@kgvlaw.com](mailto:kzielinski@kgvlaw.com)

Michael J. Nichols (P59391)  
Attorney for Defendants Barb Byrum  
and Brad Delaney  
3452 E. Lake Lansing Road  
East Lansing, MI 48823  
(517) 432-9000  
Email: [mnichols@nicholslaw.net](mailto:mnichols@nicholslaw.net)

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**MOTION TO SEAL DEFENDANTS MASON PUBLIC SCHOOL DISTRICT, LANCE  
DELBRIDGE AND NICHOLAS TOODZIO'S NOTICE OF NON-PARTY FAULT  
UNDER LOCAL RULE 10.6**

NOW COME Defendants, Mason Public School District, Lance Delbridge and Nicholas Toodzio, by and through their attorneys, Kluczynski, Girtz & Vogelzang, and hereby move this Court to seal their Notice of Non-Party Fault under Local Court Rule 10.6. Defendants in support of the Motion, state as follows:

1. Defendants Mason Public School District, Lance Delbridge and Nicholas Toodzio filed a Notice of Non-Party Fault which identified B.D. as a nonparty who is wholly or partially at fault in this matter.

2. Upon filing of the Notice of Non-Party Fault, counsel for Defendants Barb Bryum and Brad Delaney expressed significant privacy concerns with the inclusion of the home address for B.D. within the Notice.

3. Local Rule 10.6 allows documents to be submitted under seal only if authorized by statute or by the Court for good cause shown. Further, a person seeking leave to file a document under seal must file a motion requesting such relief...”

4. The trial court has discretion to seal its records “when interests of privacy outweigh the public’s right to know.” *In re Knoxville News – Sentinel*, 723 F.2d at 474; see also *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. at 598.

5. Here, B.D. is a minor who has been alleged to have sexually assaulted Plaintiff, another minor, on school grounds.

6. Given B.D. is a minor in addition to the sensitive nature of the allegations against him in this matter, there is good cause to shield his home address from the public.

7. Defendants Mason Public School District, Lance Delbridge and Nicholas Toodzio now request that the Notice of Non-Party Fault filed on May 6, 2024, be sealed in its entirety.

WHEREFORE, Defendants Mason Public School District, Lance Delbridge and Nicholas Toodzio respectfully requests this Honorable Court to seal their Notice of Non-Party Fault filed on May 6, 2024.

Respectfully Submitted,

KLUCZYNSKI, GIRTZ & VOGELZANG

Date: May 7, 2024

By: 

Mark T. Ostrowski (P49761)

Kyle J. Zielinski (P83962)

Attorneys for Defendants Mason PS,

Lance Delbridge and Nicholas Toodzio

3033 Orchard Vista Dr., Suite 308

Grand Rapids, MI 49546

(616) 559-8649